

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building – Selectmen’s Meeting Room
100 Maple Avenue
Monday, April 5, 2004 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, Daniel Morgado, Town Manager, and Michael R. Hale, Assistant Town Manager. Personnel Board: Anthony A. Froio, Chairman, and William McGovern. Finance Committee: Daniel DeWolfe, Chairman, Gene Buddenhagen, John Campbell, Charles Giacoppe, James McCaffrey, Clare O’Connor, and Francis Russell. Mr. Fiore called the meeting to order at 7:04pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0477 in the amount of \$1,495,404.34, #0478 in the amount of \$3,565,638.34, #0479 in the amount of \$270,703.52, and #0480 in the amount of \$802,496.97. Motion was made, seconded and unanimously voted to approve.
2. Approve Minutes of March 22, 2004. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux reminded everyone that the SHS Alumni Assoc. Auction Dinner is this Saturday, April 10th at the high school and tickets are still available. They are hoping for a good turnout.
4. Town Manager’s Report - Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – Ray Stone Post. Representatives from the Post were unable to attend and will be invited to the next meeting on April 12th.
6. 7:05pm – Joint Meeting with Finance Committee & Personnel Board (Executive Session)

Motion was made at 7:07 pm, seconded, and unanimously voted to go into executive session for the purpose of discussing wages of non-union personnel and to reconvene into open session. The Board was polled, Mr. Lebeaux, yes, Mr. Card, yes, Mr. DePalo, yes, Mr. Hammond, yes, and Mr. Fiore, yes.

Motion was made, seconded, and unanimously voted to adjourn executive session and to reconvene into open session at 8:12 pm.

The Board accepted the draft of the Finance Committee Report in accordance with Article 3, Section 4 of the General Bylaws of the Town of Shrewsbury.

Public Hearings:

7. 7:30pm – Brian Lowe, 409 Hartford Turnpike – Dog Complaint Hearing. Mr. Lowe and Animal Control Officer Leona Pease were present. Mr. Fiore asked all those wishing to testify to rise and be sworn in. Officer Pease outlined the circumstances leading up to the necessity of the hearing. She stated that she first had been called regarding a dog bite late last summer but had been unable to locate the owner. Another call was received in December regarding the same dog biting and she was able to follow up on that call which resulted in a citation being issued for failure to license and restrain the dog. In March she received two calls one regarding a bite and another about the dog running free, a second citation was issued and she requested a hearing. Mr. Fiore asked Mr. Lowe to testify. He said that the dog is no longer on the premises during the day. He is only there at night for guard duty and he is locked in the garage at that time. Mr. Lowe added that he was in the process of relocating and would be vacating the premises shortly and the dog would be gone. He hoped to be completely moved by the end of the month. Mr. Fiore asked Michael Kuzara, a complainant, if he had anything to add. He said that the dog was responsible for biting five employees and was intimidating his customers. He wants it removed from the property. Mr. Fiore asked the Board for comment. After questioning

and discussion by Board members, motion was made, seconded and voted: Mr. Lebeaux, Mr. Card and Mr. Fiore in favor of closing the hearing and Mr. Hammond and Mr. DePalo opposed. The hearing was closed. Mr. Fiore asked for a finding. The Board found that the German Shepherd dog, Blaze, owned by Brian Lowe, 409 Hartford Turnpike, is determined to be a public nuisance by virtue of being allowed to run free, biting other tenants of property, excessive barking, and being unlicensed. Finding seconded and unanimously approved. Motion was made that the German Shepherd dog named Blaze owned by Brian Lowe, 409 Hartford Turnpike, be confined and locked in the garage at 409 Hartford Turnpike between the hours of 5:00pm and 7:00am and be removed from the garage and property by 7:00am and not returned until 5:00pm when he is again locked in the garage. The animal must be on a leash of appropriate strength any time he is outside and not confined to the garage and handled by a responsible adult of 18 years or older. The German Shepherd dog named Blaze to be banished from the Town of Shrewsbury on May 15, 2004. Motion was seconded and unanimously approved. Copy of orders to be sent to complainant.

8. 7:45pm - Patrick Motors, Inc., Craig Richards General Manager, 3 Elm Street. Amend hours of Class I and Commercial Garage License. Sales hours: Mon.-Thurs. 9:00am-9:00pm, Fri. 9:00am-6:00pm, Sat. 9:00am-5:00pm, Sun. 12:00 noon-4:00pm. Service hours: Mon.-Thurs. 7:30am-8:00pm, Fri. 7:30am-6:00pm, Sat. 7:30am-5:30pm. Mr. Richard was present and explained that the reasons they were asking for an amendment to the service hours of their garage license was to due to customer demand. Mr. Fiore said that information regarding the zoning in the area had been received from the Building Inspector and the extension in hours would not violate any zoning laws. He asked for comments by the Board and opened the hearing to the public. As there were none, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the amendment to the service hours for the Commercial Garage License held by Patrick Motors to Mon.-Thurs. 7:30am-8:00pm, Fri. 9:00am-6:00pm and Sat. 7:30am-5:30pm. Motion seconded and unanimously voted.
9. 8:00pm - Sabrosa Foods, Inc. d/b/a Hebert Candies, 575 Hartford Turnpike, Common Victualler's License. Hours of Operation Sunday-Saturday 9:00am-10:00pm. – Continued. Peter Perkins, new owner, and Jeannie Hebert were present. Mr. Fiore said that favorable reports had been received from all department heads as well as a CORI report. Mr. Perkins told the Board that he had purchased the business and expected to continue operations as the Hebert family had done in the past. Mr. Fiore opened the hearing to the public and as there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of a Common Victualler's License for Sabrosa Foods, Inc. d/b/a/ Hebert Candies, 575 Hartford Turnpike, Hours of Operation Sunday-Saturday 9:00am-10:00pm. Motion seconded and unanimously voted.

Old Business:

10. Review draft letter to Lt. Gov. Kerry Healey re School Building Assistance (SBA) program reforms. Hold for April 12th meeting.
11. CMRPC 2004 Traffic Count. Motion made to approve with additional streets added by the Engineering Department. Seconded and unanimously voted.
12. Report from Chief Sampson & Town Engineer Perreault re Raymond Avenue. Chief Sampson and Town Engineer Perreault have discussed and are aware of residents' concerns and will continue to monitor. However, no action is recommended at this time. Response to be sent to residents.

New Business:

13. Shrewsbury Electric Light Department recommends two (2) 70-watt high-pressure sodium light fixtures to be installed on Birch Brush Road as shown on plan entitled "Rawson Hill Estates III Subdivision" dated 3/24/1997. Cost to the Town would be \$31.10 per light totaling \$62.20. Motion was made, seconded and unanimously voted to approve.
14. Recommendation from Chief Sampson for signage on Cypress Avenue. Motion was made to forward Chief Sampson's recommendation to the Highway Dept., seconded and unanimously voted.
15. Recommendation from Chief Sampson re Crosswalk at Town Hall. Motion was made to forward recommendation to MassHighway along with request to refurbish other crosswalks and designate Maple Avenue as no passing zone. Seconded and unanimously voted.

16. One Day Wine & Malt Beverages License for Master Singers of Worcester, Inc. for Wine Tasting at The Sumner House, 2 Church Road, Friday, May 7, 2004 from 7:00pm to 10:00pm. Motion was made, seconded and unanimously voted to approve.

Executive Session:

19. Collective bargaining, pending litigation and value of real property. Motion was made, seconded, and unanimously voted to reconvene into executive session at 9:25pm and not to reconvene into open session for the purpose of discussion of collective bargaining. The Board was polled, Mr. Hammond, yes, Mr. Card, yes, Mr. Lebeaux, yes, Mr. DePalo, yes, and Mr. Fiore, yes.

Communications:

18. Noted copy mailed: Mass. Dept. of Revenue Bulletin, 2004-08B, re New Official Finance Forum.
19. Noted copy mailed: Letter of introduction from R.E.Brown & Co., CPAs.
20. Noted copy mailed: SELPSCC Commission Meeting Minutes, 3/1/04.
21. Noted copy mailed: Letter from School Supt. Bent to Spirit of Shrewsbury Committee.
22. Noted copy mailed: Letter from Gould & Ettenberg, P.C. re MGL Chap. 61A, Sec. 14 – Conversion Notice. (plans on file in BOS office) Notify Conservation Commission and Planning Board that Board is contemplating waiving right of first refusal.
23. Noted copy mailed: Supplemental Information for Highland Hills MEPA Filings. (plans on file in BOS office)
24. Noted copy mailed: E-mail from Ruby Schwartz, re Traffic on Cherry Street. Forward to Chief Sampson with reference to traffic counts to be conducted by CMRPC.
25. Noted copy mailed: March ARC Update.
26. Noted copy mailed: Dept. of Revenue FY03 Room Occupancy Revenue Report for 351 Cities & Towns. (report on file in BOS office)
27. Noted copy mailed: Stop the Diversion Restore Lottery Revenues Information Kit from MMA.
28. Noted copy mailed: ZBA Meeting Minutes, 2/10/04, Mark & Sue Coggeshall, 22 Alden Avenue
29. Noted copy mailed: ZBA Meeting Minutes, 2/10/04, Eleanor & Doryce Moosey, 104 Oak Street.
30. Noted copy mailed: E-mail from Martha Ann Kularski, R. Pelle, Bill Cummins, - Against Prop 2 ½ Override.
31. Noted copy mailed: ZBA Hearing Agenda, 4/14/04.
32. Noted copy mailed: Notice of MBTA Advisory Board Meeting, Supplemental Budget Request #1 and Meeting Minutes of 3/5/04.
33. Noted copy mailed: Hearing Notice re Preliminary MBTA 2004 Service Plan.
34. Noted copy mailed: MMA Action Alert #2, 3/31/04, House Budget to be Unveiled – Debate Starts Soon.
35. Noted copy mailed: School Committee Meeting Agenda, 4/7/04.
36. Noted copy mailed: E-mail from Ken Milley, 105 Francis Avenue, re Flanagan's Driveway Erosion. Engineering is working on this.
37. Noted copy mailed: Snow Storm Report March 16-17, 2004.

Motion was made, seconded, and unanimously voted to reconvene into executive session at 9:25pm and not to reconvene into open session for the purpose of discussing collective bargaining.

Respectfully submitted,

Janice C. McCoy
Secretary